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WACHOVIA SECURITIES, LLC and MARK WIELAND

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

VIOLETTA ETTARE,	)	Case No.: C-07-4429-JW (PVT)
)	
Plaintiff,)	
	)	DEFENDANTS WACHOVIA
vs.	)	SECURITIES, LLC AND MARK
	)	WIELAND'S NOTICE OF MOTION
JOSEPH E. BARATTA, an individual,	)	AND MOTION TO COMPEL
TBIG FINANCIAL SERVICES, INC., form	)	ARBITRATION AND STAY
of business unknown, WACHOVIA	)	PROCEEDINGS
SECURITIES, LLC, a Delaware Limited)	
Liability Company, MARK WIELAND, an	)	Date: Monday, May 5, 2008
individual, and DOES 1-25,	)	Time: 9:00 a.m.
	)	Place: Courtroom 8, 4 th Floor
Defendants.)	

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

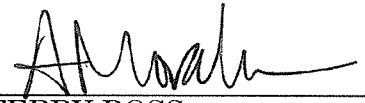
PLEASE TAKE NOTICE that on Monday, May 5, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard in the United States District Court, Northern District of California, 280 South 1st Street, San Jose, CA 95113, Defendants WACHOVIA SECURITIES, LLC and MARK WIELAND (collectively, "Defendants") will move this Court for an order: (1) compelling arbitration before the Financial Industry Regulatory Authority ("FINRA") of all claims against Defendants contained in the

1 Complaint filed by Plaintiff Dr. VIOLETTA ETTARE ("Plaintiff"), through her counsel,
2 with the Santa Clara Superior Court on or about July 13, 2007, pursuant to the Federal
3 Arbitration Act, 9 U.S.C. § 4; and (2) staying all further proceedings in this action
4 pending arbitration pursuant to 9 U.S.C. § 3.

5 This motion to compel arbitration is made on the grounds that Plaintiff's
6 claims against Defendants are based on alleged damages in investment account
7 maintained with Defendants. Plaintiff's account with Defendants is governed by
8 contracts that require, among other things, that all claims concerning or arising out of
9 those accounts be resolved by binding arbitration. Those contracts are binding on
10 Plaintiff, and as a result, all claims against Defendants, must be compelled to
11 arbitration and resolved there. The motion to stay the present proceedings, pursuant to
12 9 U.S.C. § 3 is a necessary corollary to the motion to compel arbitration.

13 Defendants' Motion to Compel Arbitration and Stay Proceedings is based
14 upon this Notice, the attached Memorandum of Points and Authorities, the Declarations
15 of Terry Ross, Audette Paul Morales, Veronica T. Hartnett and Mark Wieland, and the
16 exhibits lodged in support thereof which have been served and filed herewith, the
17 pleadings, records and papers on file herein, and on such further oral and documentary
18 evidence as may be presented at the hearing of this motion.

19 DATED: March 6, 2008


TERRY ROSS
AUDETTE PAUL MORALES
KEESAL, YOUNG & LOGAN
Attorneys for Defendants
WACHOVIA SECURITIES, LLC and
MARK WIELAND